

**IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH CAROLINA**

Jeffrey Westerlund,	)	
	)	
Plaintiff,	)	Civil Action No. 6:14-4622-RMG
	)	
vs.	)	
	)	
Carolyn W. Colvin, Commissioner of Social Security,	)	<b>ORDER</b>
	)	
Defendant.	)	
	)	
	)	
	)	

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This matter comes before the Court for judicial review of the final decision of the Commissioner of Social Security denying Plaintiff's application for Disability Insurance Benefits ("DIB") and Supplemental Security Income ("SSI"). In accordance with 28 U.S.C. § 636(b) and Local Rule 73.02, D.S.C., this matter was referred to the United States Magistrate Judge for pretrial handling. The Magistrate Judge issued a Report and Recommendation on December 30, 2014 recommending that the decision of the Commissioner be reversed and remanded to the agency because of the failure of the Administrative Law Judge to make sufficient findings so that the Court could conduct a meaningful review of the RFC determination in light of the recent Fourth Circuit decision in *Mascio v. Colvin*, 780 F.3d 632 (4th Cir. 2015). (Dkt. No. 18 at 14-18). The Commissioner has filed a response to the Magistrate Judge's Report and Recommendation indicating that she will file no objections. (Dkt. No. 20). The Court has reviewed the Report and Recommendation and the record evidence and finds that the Magistrate Judge has ably addressed the factual and legal issues in this matter. Therefore, the Court

**ADOPTS** the Report and Recommendation as the order of this Court, **REVERSES** the decision of the Commissioner pursuant to Sentence Four of 42 U.S.C. § 405(g), and **REMANDS** the matter to the Commissioner for further proceedings consistent with this order. This includes the directive for the agency on remand to consider whether appropriate consideration of the opinions of Plaintiff's treating physician, Dr. Stone, and the consultive examiner, Dr. Madley, were given in accord with the Treating Physician Rule. (Dkt. No. 18 at 19).

AND IT IS SO ORDERED.

A handwritten signature in black ink, appearing to read 'RM Gergel', is written over a horizontal line.

Richard Mark Gergel  
United States District Judge

Charleston, South Carolina  
December 21, 2015